

ESTTA Tracking number: **ESTTA710734**

Filing date: **11/24/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205896
Party	Plaintiff Beau L. Tardy
Correspondence Address	WENDY PETERSON NOT JUST PATENTS LLC PO BOX 18716 MINNEAPOLIS, MN 55418 UNITED STATES wsp@NJPLS.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Wendy Peterson
Filer's e-mail	wsp@NJPLS.com
Signature	/Wendy Peterson/
Date	11/24/2015
Attachments	Opposer's First Notice of Reliance.pdf(52401 bytes) Exhibit A Requests for Admissions and Responses to Requests for Admissions.pdf(220178 bytes) Exhibit B First set of Requests for Production of Documents First Set of Responses.pdf(138876 bytes) Exhibit C Opposer's DIZZY application.pdf(1731756 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

OPPOSER'S NOTICE OF RELIANCE

Opposer, pursuant to 37 C.F.R. §§2.120(j) and 2.122, and §§704.03, 704.08 and 704.10 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), hereby notices its reliance on the following attached exhibits and requests that they be made of evidence in support of the Opposition herein.

Exhibit A consists of: (i) Opposer's First Requests for Admission to Applicant; (ii) Applicant's Response to Opposer's First Requests for Admission. This evidence is being offered pursuant to 37 CFR §2.120(j) and TBMP §704.10.

Exhibit B consists of: (i) Opposer's First Requests for Production of Documents and Things to Applicant; (ii) Applicant's Response to Opposer's First Requests for Production of Documents and Things and (iii) APPLICANT SUPPLEMENTAL RESPONSES AND OBJECTIONS TO FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS. This evidence is being offered pursuant to *City National Bank v. OPGI Management GP Inc./Gestion OPGI Inc.*, 106 USPQ2d 1668, 1674 n.10 (TTAB 2013) (responses to document production requests are admissible solely for purposes of showing that a party has stated that there are no responsive documents); and TBMP §704.11.

Exhibits C consists of status and title copy of the application for Opposer's application DIZZY SN 85741800, which is being submitted in accordance with 37

CFR §2.122(d) and TBMP §704.03. Opposer is the owner of this valid and subsisting trademark application.

Exhibit D contains a status and title copy of some of the Applicant's abandoned USPTO trademark applications. All of these applications have the status: Abandoned because no Statement of Use or Extension Request timely filed after Notice of Allowance was issued.

SN	MARK	LIVE OR DEAD STATUS	GOODS
85509930	DIZZY	DEAD	Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands, all in the field of character merchandise/children's entertainment
85509933	DIZZY	DEAD	Toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards
85509926	DIZZY	DEAD	Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education;

			trading cards; collectors cards; comic books and magazines in the field of children's education; graphic novels; novels; printed postcards; picture postcards; comic postcards; postcards; notebooks; binders; decals; stickers; posters; photograph and scrapbook albums; calendars; greeting cards; folders; desk pads; writing pads; stationery folders and stationery; pens; pencils; erasers; video game strategy manuals and books; computer game instruction manuals; paper towels; paper storage containers; chalk boards; dry erase writing boards and writing surfaces; paper flags; paper pennants
85509846	BIT	DEAD	Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education; comic books and magazines in the field of children's education; graphic novels; novels; video game strategy manuals and books; computer game instruction manuals; paper towels
85509866	BIT	DEAD	Toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards
85509859	BIT	DEAD	Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with

			masks sold in connection therewith, tank tops, underwear, and wristbands
85509856	BIT	DEAD	Electrical and scientific apparatus, namely, electronic game software; computer game software; downloadable computer games; computer and video-game cassettes, cartridges, discs and programs; downloadable game software; motion picture films featuring music, animated cartoons, live-action performances and live action performances by costumed characters all in the field of children's education; pre-recorded video and audio cassettes, video and audio tapes, video and audio discs, CD ROMs, compact discs, digital versatile discs, musical video recordings, musical sound recordings and phonograph records featuring music, animated cartoons, live-action performances and live action performances by costumed characters all in the field of children's education; software and manuals sold as a unit in the field of children's education, namely, for use in creating, updating and maintaining calendars, for information management and for use as computer screen savers; decorative refrigerator magnets; hand held units for playing electronic games for use with external display screen or monitor
85179808	UMIGO	DEAD	toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards
85179774	UMIGO	DEAD	clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves,

			mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands
85179761	UMIGO	DEAD	Bedding, namely, bed linens; duvet covers; fabric table runners; curtains; textile wall hangings; bath linens; bath mitts; bath sheets; bath towels; beach towels; bed blankets, blanket throws; shower curtains; bed canopies; crib canopies; cloth flags; cloth pennants; felt pennants; fabric flags
85179753	UMIGO	DEAD	housewares, namely, mugs, beverage glassware, beverage stirrers, beverage ware, bottle openers, portable beverage coolers, insulating sleeve holders for beverage cans, portable beverage dispensers, portable ice chests for food and beverages, thermal insulated containers for food or beverages, thermal insulated bags for food or beverages; bath accessories, namely, hair brushes, sponges, and cup holders; cleaning cloths; lunch boxes, paper cups, paper plates; pre-moistened towelettes for household cleaning; and wiping cloths, namely, shammies; plastic storage containers for domestic use
85179743	UMIGO	DEAD	Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education; trading cards; collectors cards; comic books and magazines in the field of children's education; graphic novels; novels; printed postcards; picture postcards; comic postcards; postcards; notebooks; binders; decals; stickers; posters; photograph and scrapbook albums; calendars; greeting cards; folders; desk pads; writing pads; stationery folders and stationery; pens; pencils; erasers; video game strategy manuals and books; computer game instruction manuals; paper towels; paper storage containers; chalk boards; dry erase writing boards and writing surfaces; paper flags; and paper pennants
77581487	TEAM SMITHEREEN	DEAD	Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands.
77581495	TEAM SMITHEREEN	DEAD	Toys and sporting goods, namely, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, board games, card games, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple

			<p>activity toys, toy construction blocks, musical toys, target games, action skill games, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, in-line skates, ride-on toys, toy swords, and playing cards; Toys and sporting goods, namely, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels; Toys and sporting goods, namely, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, and beach balls; Toys and sporting goods, namely, costume face masks, paper face masks, and face masks for football.</p>
--	--	--	---

These applications are being submitted in accordance with 37 CFR § 2.122(d) and TBMP § 704.03(b)(1)(A).

Submitted By: /Wendy Peterson/

Date: November 24, 2015

Wendy Peterson, Attorney for Opposer, Beau Tardy

Not Just Patents

PO Box 18716

Minneapolis, MN 55148

wsp@NJPLS.com

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2015, the foregoing was served on Applicant's correspondents of record by email to:

jreichman@kenyon.com , wmerone@kenyon.com ,
mdocketny@kenyon.com

/Wendy Peterson/

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Opposer Beau Tardy pursuant to Section 2.120 of the Rules of Practice in Trademark Cases and Rule 36 of the Federal Rules of Civil Procedure, hereby requests that Applicant Wild Brain Entertainment Inc. within thirty (30) days from the date of service, admit the truth of the following matters in writing.

DEFINITIONS AND INSTRUCTIONS

A. For purposes of these requests, unless otherwise indicated or unless the context otherwise requires:

1. The term "any" shall be construed to include the word "all" and "all" shall be construed to include the word "any" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

2. The term "between" shall be construed to include the word "among" and "among" shall be construed to include the word "between" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

3. The terms "you" or "your" or "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and any affiliated corporations or other business entities under its control, any predecessors or successors in interest with respect to the DIZZY mark, any licensees or other entities that have or

are intended to use the DIZZY mark with the consent of Wild Brain Entertainment, Inc., and any of its directors, officers, employees, agents or representatives.

4. The term "document" shall mean the original and each non-identical copy (whether different from the original because of notes made on the copy or otherwise) or draft of each writing of every kind and description (together with all worksheets, supporting documents, and other relevant material), whether inscribed by hand or mechanical, electronic, microfilm, photographic or other means (such as recording, film, tape, videotape, disc, diskette, CD-ROM disc, laser disc, or other means including data processing files and other computer readable records or programs and all other data compilations from which information can be obtained, transcribed and translated), and including, but not limited to, correspondence, letters, telegrams, telefaxes, telexes, E-Mail, messages, TWX's, telephone logs, diaries, teletype messages, memoranda, notes, reports, printouts, records of meetings, conferences or telephone or other conversations or communications, appointment calendars, surveys, studies, statistical analyses, technical analyses, test reports, search reports, tabulations, drawings, plans, blueprints, specifications, graphs, books, magazines, newspapers, publications, articles, booklets, pamphlets, circulars, bulletins, brochures, advertising copy, contract bids, contracts, contract addenda, amendments, changes and modifications.

5. The term "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and, where appropriate in the context, its predecessors in interest, parents, subsidiaries and/or affiliated corporations.

A. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

B. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

C. Definitions provided herein apply to any grammatical variant of the term or phrase definition.

D. Unless otherwise indicated, the geographical scope of these requests are limited to the United States of America.

6. The "Proceeding" means, the single proceeding identified at the beginning of this document pending between the parties in the Trademark Trial and Appeal Board.

REQUESTS FOR ADMISSION

1. Admit that DIZZY SN 85509926 was ABANDONED because no Statement of Use was filed for the goods: Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education; trading cards; collectors cards; comic books and magazines in the field of children's education; graphic novels; novels; printed postcards; picture postcards; comic postcards; postcards; notebooks; binders; decals; stickers; posters; photograph and scrapbook albums; calendars; greeting cards; folders; desk pads; writing pads; stationery folders and stationery; pens; pencils; erasers; video game strategy manuals and books; computer game instruction manuals; paper towels; paper storage containers; chalk boards; dry erase writing boards and writing surfaces; paper flags; paper pennants.
2. Admit that DIZZY SN 85509933 was ABANDONED because no Statement of Use was filed for the goods: Toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or

- monitor, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards.
3. Admit that TEAM SMITHEREEN SN 77581487 was ABANDONED because no Statement of Use filed for the goods: Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands.
 4. Admit that TEAM SMITHEREEN SN 77581495 was ABANDONED because no Statement of Use filed for the goods: Toys and sporting goods, namely, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, board games, card games, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, in-line skates, ride-on toys, toy swords, and playing cards; Toys and sporting goods, namely, kites and accessories therefor, namely, kite boards, kite

- handles, kite string, kite tails and kite reels; Toys and sporting goods, namely, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, and beach balls; Toys and sporting goods, namely, costume face masks, paper face masks, and face masks for football.
5. Admit that the Copyright date on Exhibit B
wildbrain.com/press/releases/WB_new_funding.html downloaded on 11/11/13 is 2008.
 6. Admit that the copyright date on Exhibit C dated June 1, 2011 from
http://wildbrain.com/press/articles/globallicense_0611.html downloaded on 11/11/13 is 2008.
 7. Admit that the Wild Brain has not abandoned their web site even though two pages show a copyright date of 2008.
 8. Admit that more than half of the trademark applications filed by Wild Brain have gone abandoned with no statement of use ever filed.
 9. Admit that half of the trademark applications for DIZZY filed by Wild Brain have gone abandoned with no statement of use ever filed.
 10. Admit that for Wild Brain 1(b) application UMIGO SN 85179735 most of the goods in the application never registered.
 11. Admit that when Wild Brain submitted their application for DIZZY in IC 9 it had no projected first use date for hand held units for playing electronic games for use with external display screen or monitor.
 12. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no licensee contracts for hand held units for playing electronic games for use with external display screen or monitor.
 13. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no projected retail or wholesale prices for hand held units for playing electronic games for use with external display screen or monitor.
 14. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had manufacturing or distributing plans for hand held units for playing electronic games for use with external display screen or monitor.

15. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 had no projected first use date for Christmas tree decorations.
16. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no licensee contracts for Christmas tree decorations.
17. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no projected retail or wholesale prices for Christmas tree decorations.
18. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had manufacturing or distributing plans for Christmas tree decorations.
19. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 had no projected first use date for paper towels.
20. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no licensee contracts for paper towels.
21. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no projected retail or wholesale prices for paper towels.
22. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had manufacturing or distributing plans for paper towels.
23. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no firm plans for marketing and selling more than half of the goods in the application.
24. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no firm plans for marketing and selling more than half of the goods in the application.
25. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no firm plans for marketing and selling more than half of the goods in the application.

Submitted By: /Wendy Peterson/

Date: November 14, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2013, the foregoing was served upon Applicant's attorney by first class mail to:

KATHERINE L McDANIEL
FULWIDER PATTON LLP
6060 CENTER DRIVE, 10TH FLOOR
LOS ANGELES, CA 90045-1598

By: /Wendy Peterson/

Date: November 14, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

AMENDED FIRST REQUESTS FOR ADMISSION FOR 8-10 and 23-25

8. Admit that half of the trademark applications filed by Wild Brain have gone abandoned with no statement of use ever filed.
9. Admit that half of the trademark applications for DIZZY filed by Wild Brain have gone abandoned with no statement of use ever filed.
10. Admit that for Wild Brain 1(b) application UMIGO SN 85179735 half of the goods in the application never registered.

23. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.
24. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.

25. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.

Submitted By: /Wendy Peterson/

Date: January 15, 2014

Wendy Peterson, Attorney for Opposer, Beau Tardy

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2014, the foregoing was served upon Applicant's attorney
by email (as agreed) to:

tmdocketny@kenyon.com, wmerone@kenyon.com, NSardesai@kenyon.com

Jonathan D. Reichman
William M. Merone
Natasha Sardesai-Grant
KENYON & KENYON LLP
One Broadway
New York, NY 10004
Tel.: (212) 425 – 7200

By: /Wendy Peterson/

Date: January 15, 2014

Wendy Peterson, Attorney for Opposer, Beau Tardy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

OPPOSER's FIRST SET OF REQUESTS FOR ADMISSIONS

Opposer Beau Tardy pursuant to Section 2.120 of the Rules of Practice in Trademark Cases and Rule 36 of the Federal Rules of Civil Procedure, hereby requests that Applicant Wild Brain Entertainment Inc. within thirty (30) days from the date of service, admit the truth of the following matters in writing.

DEFINITIONS AND INSTRUCTIONS

A. For purposes of these requests, unless otherwise indicated or unless the context otherwise requires:

1. The term "any" shall be construed to include the word "all" and "all" shall be construed to include the word "any" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

2. The term "between" shall be construed to include the word "among" and "among" shall be construed to include the word "between" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

3. The terms "you" or "your" or "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and any affiliated corporations or other business entities under its control, any predecessors or successors in interest with respect to the DIZZY mark, any licensees or other entities that have or

are intended to use the DIZZY mark with the consent of Wild Brain Entertainment, Inc., and any of its directors, officers, employees, agents or representatives.

4. The term "document" shall mean the original and each non-identical copy (whether different from the original because of notes made on the copy or otherwise) or draft of each writing of every kind and description (together with all worksheets, supporting documents, and other relevant material), whether inscribed by hand or mechanical, electronic, microfilm, photographic or other means (such as recording, film, tape, videotape, disc, diskette, CD-ROM disc, laser disc, or other means including data processing files and other computer readable records or programs and all other data compilations from which information can be obtained, transcribed and translated), and including, but not limited to, correspondence, letters, telegrams, telefaxes, telexes, E-Mail, messages, TWX's, telephone logs, diaries, teletype messages, memoranda, notes, reports, printouts, records of meetings, conferences or telephone or other conversations or communications, appointment calendars, surveys, studies, statistical analyses, technical analyses, test reports, search reports, tabulations, drawings, plans, blueprints, specifications, graphs, books, magazines, newspapers, publications, articles, booklets, pamphlets, circulars, bulletins, brochures, advertising copy, contract bids, contracts, contract addenda, amendments, changes and modifications.

5. The term "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and, where appropriate in the context, its predecessors in interest, parents, subsidiaries and/or affiliated corporations.

A. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

B. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

C. Definitions provided herein apply to any grammatical variant of the term or phrase definition.

D. Unless otherwise indicated, the geographical scope of these requests are limited to the United States of America.

6. The "Proceeding" means, the single proceeding identified at the beginning of this document pending between the parties in the Trademark Trial and Appeal Board.

REQUESTS FOR ADMISSION

1. Admit that DIZZY SN 85509926 was ABANDONED because no Statement of Use was filed for the goods: Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education; trading cards; collectors cards; comic books and magazines in the field of children's education; graphic novels; novels; printed postcards; picture postcards; comic postcards; postcards; notebooks; binders; decals; stickers; posters; photograph and scrapbook albums; calendars; greeting cards; folders; desk pads; writing pads; stationery folders and stationery; pens; pencils; erasers; video game strategy manuals and books; computer game instruction manuals; paper towels; paper storage containers; chalk boards; dry erase writing boards and writing surfaces; paper flags; paper pennants.
2. Admit that DIZZY SN 85509933 was ABANDONED because no Statement of Use was filed for the goods: Toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or

- monitor, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards.
3. Admit that TEAM SMITHEREEN SN 77581487 was ABANDONED because no Statement of Use filed for the goods: Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands.
 4. Admit that TEAM SMITHEREEN SN 77581495 was ABANDONED because no Statement of Use filed for the goods: Toys and sporting goods, namely, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, board games, card games, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, in-line skates, ride-on toys, toy swords, and playing cards; Toys and sporting goods, namely, kites and accessories therefor, namely, kite boards, kite

- handles, kite string, kite tails and kite reels; Toys and sporting goods, namely, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, and beach balls; Toys and sporting goods, namely, costume face masks, paper face masks, and face masks for football.
5. Admit that the Copyright date on Exhibit B
wildbrain.com/press/releases/WB_new_funding.html downloaded on 11/11/13 is 2008.
 6. Admit that the copyright date on Exhibit C dated June 1, 2011 from
http://wildbrain.com/press/articles/globallicense_0611.html downloaded on 11/11/13 is 2008.
 7. Admit that the Wild Brain has not abandoned their web site even though two pages show a copyright date of 2008.
 8. Admit that more than half of the trademark applications filed by Wild Brain have gone abandoned with no statement of use ever filed.
 9. Admit that half of the trademark applications for DIZZY filed by Wild Brain have gone abandoned with no statement of use ever filed.
 10. Admit that for Wild Brain 1(b) application UMIGO SN 85179735 most of the goods in the application never registered.
 11. Admit that when Wild Brain submitted their application for DIZZY in IC 9 it had no projected first use date for hand held units for playing electronic games for use with external display screen or monitor.
 12. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no licensee contracts for hand held units for playing electronic games for use with external display screen or monitor.
 13. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no projected retail or wholesale prices for hand held units for playing electronic games for use with external display screen or monitor.
 14. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had manufacturing or distributing plans for hand held units for playing electronic games for use with external display screen or monitor.

15. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 had no projected first use date for Christmas tree decorations.
16. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no licensee contracts for Christmas tree decorations.
17. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no projected retail or wholesale prices for Christmas tree decorations.
18. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had manufacturing or distributing plans for Christmas tree decorations.
19. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 had no projected first use date for paper towels.
20. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no licensee contracts for paper towels.
21. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no projected retail or wholesale prices for paper towels.
22. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had manufacturing or distributing plans for paper towels.
23. Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no firm plans for marketing and selling more than half of the goods in the application.
24. Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no firm plans for marketing and selling more than half of the goods in the application.
25. Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no firm plans for marketing and selling more than half of the goods in the application.
26. Admit that Wild Brain has a cartoon online with a character called DIZZY.

Submitted By: /Wendy Peterson/

Date: December 10, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2013, the foregoing was served upon Applicant's attorney by email (as agreed) to:

tmdocketny@kenyon.com, wmerone@kenyon.com

Jonathan D. Reichman
William M. Merone
Natasha Sardesai-Grant
KENYON & KENYON LLP
One Broadway
New York, NY 10004
Tel.: (212) 425 – 7200

By: /Wendy Peterson/

Date: December 10, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. : 85/509,929
Applicant : Wild Brain Entertainment, Inc.
Mark : DIZZY
Filed : January 5, 2012
Published : June 5, 2012

BEAU L. TARDY,

Opposer,

v.

WILD BRAIN ENTERTAINMENT, INC.,

Applicant.

Opposition No.: 91/205,896

Mark: DIZZY

**APPLICANT WILD BRAIN ENTERTAINMENT, INC.'S RESPONSES TO OPPOSER
BEAU L. TARDY'S FIRST SET OF REQUESTS FOR ADMISSION**

Wild Brain Entertainment, Inc. ("Applicant"), by its undersigned counsel, hereby objects and responds to Opposer Beau L. Tardy's ("Opposer") First Set of Requests (the "Requests," also referred to individually as "Request"), pursuant to Rule 36 of the Federal Rules of Civil Procedure and Section 407 of the Trademark Trial and Appeal Board Manual of Board Procedure.

Applicant's responses are based upon the best information presently available to Applicant and within Applicant's possession, custody, or control. Where Applicant does not have information, response to any Request shall not be deemed to constitute an admission of any kind, that any responsive information does not exist, and/or that any statement or characterization in such response is complete. These responses are given without prejudice to further revision or supplementation of these responses by Applicant if further discovery or

investigation so requires. These objections and responses are also provided without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence, or admissibility on any ground of any evidence or witness offered by Opposer.

GENERAL OBJECTIONS

1. Applicant responds to the Requests subject to and without intending to waive, and expressly preserving (a) any objections as to competency, relevancy, materiality, privilege, and admissibility of any of the responses, and (b) the right to object to other Requests involving or relating to the subject matter of the Requests responded to herein.

2. Applicant objects to each Request to the extent that it is inconsistent with or seeks to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the rules of the Trademark Trial and Appeal Board.

3. Applicant objects to each Request to the extent that it uses language calling for a legal conclusion. Applicant's responses herein shall be as to matters of fact only and shall not be construed as stating or implying any conclusions of law concerning the matters referenced in any Request.

4. Applicant objects to each Request to the extent that it calls for information protected by the attorney-client privilege or that may be protected by any other privilege. Such information or documents will not be disclosed or produced. Where the applicability of this general objection is readily apparent from the text of the Request, Applicant may also make a specific objection (hereinafter, an objection on the ground of "Privilege") pursuant to this paragraph, although the failure to make a specific objection shall not be deemed to be a waiver of this general objection.

5. Applicant objects to each Request in that it seeks information or materials prepared by Applicant or its representatives in anticipation of litigation or for trial. Such information or materials will not be disclosed or produced. Where the applicability of this general objection is readily apparent from the text of the Request, Applicant may also make a specific objection (hereinafter, an objection on the ground of “Work Product”) pursuant to this paragraph, although the failure to make a specific objection shall not be deemed to be a waiver of the general objection.

6. Applicant objects to each Request in that it seeks information outside of Applicant’s possession, custody, or control, or information already in the possession of Opposer.

7. Applicant objects to each Request in that it seeks information not relevant to the subject matter of this litigation, or that is not reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to each Request in that it seeks information that is vexatious or unduly burdensome to obtain.

9. Applicant objects to each Request to the extent that it is ambiguous, vague, or otherwise incomprehensible.

10. Applicant objects to each Request to the extent that it is overly broad or fails to set forth with reasonable particularity the information requested.

11. Applicant objects to the Requests to the extent that the instructions contained therein are overly broad, unduly burdensome, vague, ambiguous, and/or inconsistent with or seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and/or the rules of the Trademark Trial and Appeal Board.

12. Applicant objects to each Request in that it seeks “all” information and/or documents and things responsive to the Request categories, on the grounds that it is overly broad, unduly burdensome, and/or irrelevant. Applicant has used and will use reasonable diligence to locate documents in its possession, custody, or control, based upon an examination of those files reasonably expected to yield responsive documents. Identification of information and/or materials in these responses should not be construed as representations that all information and/or documents in the possession, custody, or control of Applicant has been examined in connection with these responses or produced pursuant thereto.

13. Applicant notes that discovery in this matter is ongoing, and that it has not yet completed its preparations for trial. As discovery proceeds, facts, information, evidence, documents, and things may be discovered that are not set forth in these responses, but which may have been incorporated into these responses had they been available. The following responses are based on Applicant’s knowledge, information, and belief at this time and are complete as to Applicant’s best knowledge at this time. Applicant reserves the right to amend or supplement these responses and to assert additional objections as warranted. Applicant also reserves the right to revise, correct, add to, or clarify any of the responses set forth herein.

14. Applicant expressly incorporates the foregoing general objections as though set forth fully in its response to each of the individual Requests and, to the extent that they are not raised in any particular response, Applicant does not waive those objections. An answer to a Request shall not be deemed a waiver of any applicable specific or general objection to a Request. Moreover, by responding to any of the Requests, Applicant does not waive any objections it may have that the information requested is not relevant or is inadmissible at trial in this proceeding, and expressly reserves the right to assert those objections.

RESPONSES AND SPECIFIC OBJECTIONS

REQUEST NO. 1:

Admit that DIZZY SN 85509926 was ABANDONED because no Statement of Use was filed for the goods: Paper goods and printed matter, namely, a series of fiction books featuring stories in the field of children's education; trading cards; collectors cards; comic books and magazines in the field of children's education; graphic novels; novels; printed postcards; picture postcards; comic postcards; postcards; notebooks; binders; decals; stickers; posters; photograph and scrapbook albums; calendars; greeting cards; folders; desk pads; writing pads; stationery folders and stationery; pens; pencils; erasers; video game strategy manuals and books; computer game instruction manuals; paper towels; paper storage containers; chalk boards; dry erase writing boards and writing surfaces; paper flags; paper pennants.

RESPONSE TO REQUEST NO. 1:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer.

Applicant further objects to this Request as calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 2:

Admit that DIZZY SN 85509933 was ABANDONED because no Statement of Use was filed for the goods: Toys, games and sporting goods, namely, board games, card games, play figures and accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, face masks, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, arcade game

machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, beach balls, in-line skates, ride-on toys, toy swords, and playing cards.

RESPONSE TO REQUEST NO. 2:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer.

Applicant further objects to this Request as calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 3:

Admit that TEAM SMITHEREEN SN 77581487 was ABANDONED because no Statement of Use filed for the goods: Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, vests, jackets, warm-up suits, robes, pants, shorts, clothing belts, dresses, overalls, infantwear, playsuits, cloth bibs, headwear, footwear, boots, socks, tights, beachwear, swimsuits, swimwear, bathing caps, tennis wear, rainwear, coats, gloves, mufflers, hats, sun visors, neckwear, cummerbunds, bandanas, scarves, pajamas, nightshirts, nightgowns, undergarments, aprons, masquerade costumes, masquerade costumes with masks sold in connection therewith, tank tops, underwear, and wristbands.

RESPONSE TO REQUEST NO. 3:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer.

Applicant further objects to this Request as calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 4:

Admit that TEAM SMITHEREEN SN 77581495 was ABANDONED because no Statement of Use filed for the goods: Toys and sporting goods, namely, play figures and

accessories therefor, action figures and accessories therefor, toy figures, electric action toys, mechanical action toys, dolls and accessories therefor, doll playsets, plush toys, stuffed toys, puppets, windup toys, board games, card games, dominoes, jigsaw puzzles, manipulative games, marbles, paddle ball games, yo-yo's, balloons, jump ropes, bubble making wands and solution sets, magic tricks, bath toys, play swimming pools, toy vehicles and accessories therefor, toy model hobby craft kits, toy banks, toy boxes, toy guns, toy holsters, toy archery bows and arrows, toy rockets, toy bucket and shovel sets, children's play cosmetics, baby rattles, baby multiple activity toys, toy construction blocks, musical toys, target games, action skill games, baseball bats, baseball gloves, flying disks, disc type toss toys, body boards, badminton sets, dart flights, golf club head covers, roller skates, skateboards, toy scooters, swim fins, swim floats for recreational use, pinball-type games, Christmas tree decorations, egg decorating kits, hand held units for playing electronic games, arcade game machines, arcade-type electronic video game machines, pinball machines, pinball-type game machines, stand-alone video game machines, LCD game machines, in-line skates, ride-on toys, toy swords, and playing cards; Toys and sporting goods, namely, kites and accessories therefor, namely, kite boards, kite handles, kite string, kite tails and kite reels; Toys and sporting goods, namely, balls, namely, baseballs, basketballs, footballs, golf balls, tennis balls, playground balls, sport balls, soccer balls, volleyballs, rubber balls, foam rubber balls, and beach balls; Toys and sporting goods, namely, costume face masks, paper face masks, and face masks for football.

RESPONSE TO REQUEST NO. 4:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer.

Applicant further objects to this Request as calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 5:

Admit that the Copyright date on Exhibit B
wildbrain.com/press/releases/WB_new_funding.html downloaded on 11/11/13 is 2008.

RESPONSE TO REQUEST NO. 5:

Applicant cannot respond to this Request because Opposer has failed to provide the exhibit referred to therein.

REQUEST NO. 6:

Admit that the copyright date on Exhibit C dated June 1, 2011 from http://wildbrain.com/press/articles/globallicense_0611.html downloaded on 11/11/13 is 2008.

RESPONSE TO REQUEST NO. 6:

Applicant cannot respond to this Request because Opposer has failed to provide the exhibit referred to therein.

REQUEST NO. 7:

Admit that the Wild Brain has not abandoned their web site even though two pages show a copyright date of 2008.

RESPONSE TO REQUEST NO. 7:

Applicant objects to this Request as vague. Applicant further objects to the supposition built into the question. Applicant further objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant avers that it has not abandoned its <http://www.wildbrain.com> website.

REQUEST NO. 8:

Admit that more than half of the trademark applications filed by Wild Brain have gone abandoned with no statement of use ever filed.

RESPONSE TO REQUEST NO. 8:

Applicant objects to this Request as vague. Applicant further objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as

calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 9:

Admit that half of the trademark applications for DIZZY filed by Wild Brain have gone abandoned with no statement of use ever filed.

RESPONSE TO REQUEST NO. 9:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as calling for a legal conclusion, and as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 10:

Admit that for Wild Brain 1(b) application UMIGO SN 85179735 most of the goods in the application never registered.

RESPONSE TO REQUEST NO. 10:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 11:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 it had no projected first use date for hand held units for playing electronic games for use with external display screen or monitor.

RESPONSE TO REQUEST NO. 11:

Subject to, and without waiver of, the foregoing general objections, admitted.

REQUEST NO. 12:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no licensee contracts for hand held units for playing electronic games for use with external display screen or monitor.

RESPONSE TO REQUEST NO. 12:

Subject to, and without waiver of, the foregoing general objections, admitted.

REQUEST NO. 13:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no projected retail or wholesale prices for hand held units for playing electronic games for use with external display screen or monitor.

RESPONSE TO REQUEST NO. 13:

Subject to, and without waiver of, the foregoing general objections, admitted.

REQUEST NO. 14:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had manufacturing or distributing plans for hand held units for playing electronic games for use with external display screen or monitor.

RESPONSE TO REQUEST NO. 14:

Subject to, and without waiver of, the foregoing general objections, admitted.

REQUEST NO. 15:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 had no projected first use date for Christmas tree decorations.

RESPONSE TO REQUEST NO. 15:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 16:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no licensee contracts for Christmas tree decorations.

RESPONSE TO REQUEST NO. 16:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 17:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no projected retail or wholesale prices for Christmas tree decorations.

RESPONSE TO REQUEST NO. 17:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 18:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had manufacturing or distributing plans for Christmas tree decorations.

RESPONSE TO REQUEST NO. 18:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 19:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 had no projected first use date for paper towels.

RESPONSE TO REQUEST NO. 19:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 20:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no licensee contracts for paper towels.

RESPONSE TO REQUEST NO. 20:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 21:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no projected retail or wholesale prices for paper towels.

RESPONSE TO REQUEST NO. 21:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 22:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had manufacturing or distributing plans for paper towels.

RESPONSE TO REQUEST NO. 22:

Applicant objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 23:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no firm plans for marketing and selling more than half of the goods in the application.

RESPONSE TO REQUEST NO. 23:

Applicant further objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous. Applicant further objects to this Request as seeking information which is neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 24:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no firm plans for marketing and selling more than half of the goods in the application.

RESPONSE TO REQUEST NO. 24:

Applicant further objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous. Applicant further objects to this Request as seeking information which is

neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 25:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no firm plans for marketing and selling more than half of the goods in the application.

RESPONSE TO REQUEST NO. 25:

Applicant objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous.

REQUEST NO. 26:

Admit that Wild Brain has a cartoon online with a character called DIZZY.

RESPONSE TO REQUEST NO. 25:

Applicant objects to this Request as unduly burdensome in that it seeks information that is on the public record, and therefore already within the possession of or available to Opposer.

Subject to, and without waiver of, the foregoing general and specific objections, admitted.

Dated: January 9, 2014

KENYON & KENYON LLP

*Attorneys for Applicant
Wild Brain Entertainment, Inc.*



Jonathan D. Reichman

William Merone

Natasha Sardesai-Grant

One Broadway

New York, New York 10004

Tel: 212-425-7200

Fax: 212-425-5288

jreichman@kenyon.com

wmerone@kenyon.com

nsardesai@kenyon.com

tmdocketny@kenyon.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Applicant Wild Brain Entertainment, Inc.'s Responses to Opposer Beau L. Tardy's First Set of Requests for Admission* were served by electronic mail, as agreed upon by the parties, on Opposer's counsel of record on the 9th day of January, 2014, at the following address of record:

Wendy Peterson
Not Just Patents LLC
P.O. Box 18716
Minneapolis, Minnesota 55418
wsp@njpls.com



Natasha Sardesai-Grant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BEAU L. TARDY,

Opposer,

v.

WILD BRAIN ENTERTAINMENT, INC.,

Applicant.

Opposition No.: 91/205,896

Mark: DIZZY

**APPLICANT WILD BRAIN ENTERTAINMENT, INC.'S RESPONSES TO
OPPOSER BEAU L. TARDY'S AMENDED REQUESTS FOR ADMISSION**

Wild Brain Entertainment, Inc. ("Applicant"), by its undersigned counsel, hereby objects and responds to Opposer Beau L. Tardy's ("Opposer") Amended Requests for Admission (the "Requests," also referred to individually as "Request"), pursuant to Rule 36 of the Federal Rules of Civil Procedure and Section 407 of the Trademark Trial and Appeal Board Manual of Board Procedure.

Applicant's responses are based upon the best information presently available to Applicant and within Applicant's possession, custody, or control. Where Applicant does not have information, response to any Request shall not be deemed to constitute an admission of any kind, that any responsive information does not exist, and/or that any statement or characterization in such response is complete. These responses are given without prejudice to further revision or supplementation of these responses by Applicant if further discovery or investigation so requires. These objections and responses are also provided without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence, or admissibility on any ground of any evidence or witness offered by Opposer.

GENERAL OBJECTIONS

The General Objections contained in *Wild Brain Entertainment, Inc.'s Responses to Opposer Beau L. Tardy's First Set of Requests for Admission* are hereby incorporated by reference, as if repeated in full herein.

RESPONSES AND SPECIFIC OBJECTIONS

AMENDED REQUEST NO. 8:

Admit that half of the trademark applications filed by Wild Brain have gone abandoned with no statement of use ever filed.

RESPONSE TO AMENDED REQUEST NO. 8:

Applicant objects to this Request as vague as well as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant admits only that over the past nineteen years it has filed thirty-six trademark applications that cover twelve different marks (or formatives thereof) for various goods and services. It has been awarded trademark registrations with respect to six of those marks (comprising a total of ten registrations) and it has an application pending for a seventh mark. Twenty-two applications were deemed by the Trademark Office to have been abandoned after no Statements of Use or Extension Requests were filed after the Notices of Allowance was issued, and three further applications were considered abandoned for other reasons. Of the twenty-two application that were declared abandoned after the issuance of a Notice of Allowance, eleven

related to either to marks (or formative thereof) for which a registration ultimately issued off of a separate application or for which there is presently a pending “live” application.

AMENDED REQUEST NO. 9:

Admit that half of the trademark applications for DIZZY filed by Wild Brain have gone abandoned with no statement of use ever filed.

RESPONSE TO AMENDED REQUEST NO. 9:

Applicant objects to this Request as vague as well as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant admits that its applications to register the DIZZY mark in classes 16, 25, 28, which applications were filed concurrently with its application to register DIZZY in class 9, were deemed by the Trademark Office to have been abandoned after no Statements of Use or Extension Requests were filed after the Notices of Allowance were issued.

AMENDED REQUEST NO. 10:

Admit that for Wild Brain 1(b) application UMIGO SN 85179735 half of the goods in the application never registered.

RESPONSE TO AMENDED REQUEST NO. 10:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant admits that, per the public records of the United States Patent and Trademark Office, the recitation of goods and services in the above referenced trademark application was duly amended on May 3, 2013 in conformance with Applicant's statement of use pursuant to 15 U.S.C. § 1051(d), and the number of goods recited in the registration was half the number recited in the original application.

AMENDED REQUEST NO. 23:

Admit that when Wild Brain submitted their application for DIZZY SN 85509926 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.

RESPONSE TO AMENDED REQUEST NO. 23:

Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, denied.

AMENDED REQUEST NO. 24:

Admit that when Wild Brain submitted their application for DIZZY SN 85509933 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.

RESPONSE TO AMENDED REQUEST NO. 24:

Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, denied.

AMENDED REQUEST NO. 25:

Admit that when Wild Brain submitted their application for DIZZY in IC 9 that it had no documentary evidence showing plans for marketing and selling all of the goods in the application.

RESPONSE TO AMENDED REQUEST NO. 25:

Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, denied.

Dated: February 12, 2014

KENYON & KENYON LLP

*Attorneys for Applicant
Wild Brain Entertainment, Inc.*



Jonathan D. Reichman
William Merone
Natasha Sardesai-Grant
One Broadway
New York, New York 10004
Tel: 212-425-7200
Fax: 212-425-5288
jreichman@kenyon.com
wmerone@kenyon.com
nsardesai@kenyon.com
tmdocketny@kenyon.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Wild Brain Entertainment, Inc.'s Responses to Beau L. Tardy's Amended Requests for Admission* was served by electronic mail, as agreed upon by the parties, on Opposer's counsel of record on the 12th day of February, 2014, at the following address of record:

Wendy Peterson
Not Just Patents LLC
P.O. Box 18716
Minneapolis, Minnesota 55418
wsp@njpls.com



Natasha Sardesai-Grant

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Opposer Beau Tardy pursuant to Section 2.120 of the Rules of Practice in Trademark Cases and Rule 36 of the Federal Rules of Civil Procedure, hereby requests that Applicant Wild Brain Entertainment Inc. within thirty (30) days from the date of service, admit the truth of the following matters in writing.

DEFINITIONS AND INSTRUCTIONS

A. For purposes of these requests, unless otherwise indicated or unless the context otherwise requires:

1. The term "any" shall be construed to include the word "all" and "all" shall be construed to include the word "any" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

2. The term "between" shall be construed to include the word "among" and "among" shall be construed to include the word "between" as necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

3. The terms "you" or "your" or "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and any affiliated corporations or other business entities under its control, any predecessors or successors in interest with respect to the DIZZY mark, any licensees or other entities that have or

are intended to use the DIZZY mark with the consent of Wild Brain Entertainment, Inc., and any of its directors, officers, employees, agents or representatives.

4. The term "document" shall mean the original and each non-identical copy (whether different from the original because of notes made on the copy or otherwise) or draft of each writing of every kind and description (together with all worksheets, supporting documents, and other relevant material), whether inscribed by hand or mechanical, electronic, microfilm, photographic or other means (such as recording, film, tape, videotape, disc, diskette, CD-ROM disc, laser disc, or other means including data processing files and other computer readable records or programs and all other data compilations from which information can be obtained, transcribed and translated), and including, but not limited to, correspondence, letters, telegrams, telefaxes, telexes, E-Mail, messages, TWX's, telephone logs, diaries, teletype messages, memoranda, notes, reports, printouts, records of meetings, conferences or telephone or other conversations or communications, appointment calendars, surveys, studies, statistical analyses, technical analyses, test reports, search reports, tabulations, drawings, plans, blueprints, specifications, graphs, books, magazines, newspapers, publications, articles, booklets, pamphlets, circulars, bulletins, brochures, advertising copy, contract bids, contracts, contract addenda, amendments, changes and modifications.

5. The term "Wild Brain" shall refer to Wild Brain Entertainment, Inc. and, where appropriate in the context, its predecessors in interest, parents, subsidiaries and/or affiliated corporations.

A. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

B. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, wherever necessary to bring within the scope of a request all responses which might otherwise be construed to be outside its scope.

C. Definitions provided herein apply to any grammatical variant of the term or phrase definition.

D. Unless otherwise indicated, the geographical scope of these requests are limited to the United States of America.

6. The "Proceeding" means, the single proceeding identified at the beginning of this document pending between the parties in the Trademark Trial and Appeal Board.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. If your response to Request for Admission No. 1 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
2. If your response to Request for Admission No. 2 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
3. If your response to Request for Admission No. 3 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
4. If your response to Request for Admission No. 4 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
5. If your response to Request for Admission No. 5 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
6. If your response to Request for Admission No. 6 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
7. If your response to Request for Admission No. 7 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
8. If your response to Request for Admission No. 8 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
9. If your response to Request for Admission No. 9 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
10. If your response to Request for Admission No. 10 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
11. If your response to Request for Admission No. 11 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
12. If your response to Request for Admission No. 12 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
13. If your response to Request for Admission No. 13 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
14. If your response to Request for Admission No. 14 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
15. If your response to Request for Admission No. 15 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

16. If your response to Request for Admission No. 16 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
17. If your response to Request for Admission No. 17 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
18. If your response to Request for Admission No. 18 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
19. If your response to Request for Admission No. 19 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
20. If your response to Request for Admission No. 20 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
21. If your response to Request for Admission No. 21 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
22. If your response to Request for Admission No. 22 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
23. If your response to Request for Admission No. 23 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
24. If your response to Request for Admission No. 24 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.
25. If your response to Request for Admission No. 25 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

Submitted By: /Wendy Peterson/

Date: November 14, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2013, the foregoing was served upon Applicant's attorney by first class mail to:

KATHERINE L McDANIEL
FULWIDER PATTON LLP
6060 CENTER DRIVE, 10TH FLOOR
LOS ANGELES, CA 90045-1598

By: /Wendy Peterson/

Date: November 14, 2013

Wendy Peterson, Attorney for Opposer, Beau Tardy

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. : 85/509,929
Applicant : Wild Brain Entertainment, Inc.
Mark : DIZZY
Filed : January 5, 2012
Published : June 5, 2012

BEAU L. TARDY,

Opposer,

v.

WILD BRAIN ENTERTAINMENT, INC.,

Applicant.

Opposition No.: 91/205,896

Mark: DIZZY

**APPLICANT WILD BRAIN ENTERTAINMENT, INC.'S RESPONSES TO OPPOSER
BEAU L. TARDY'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Wild Brain Entertainment, Inc. ("Applicant"), by its undersigned counsel, hereby objects and responds to Opposer Beau L. Tardy's ("Opposer") First Set of Requests (the "Requests," also referred to individually as "Request"), pursuant to Rule 34 of the Federal Rules of Civil Procedure and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office.

Applicant's responses are based upon the best information presently available to Applicant and within Applicant's possession, custody, or control. Where Applicant does not have information, response to any Request shall not be deemed to constitute an admission of any kind, that any responsive information does not exist, and/or that any statement or characterization in such response is complete. These responses are given without prejudice to

further revision or supplementation of these responses by Applicant if further discovery or investigation so requires. These objections and responses are also provided without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence, or admissibility on any ground of any evidence or witness offered by Opposer. Accordingly, Applicant reserves the right to rely, at the time of taking testimony or in other proceedings in this opposition, upon documents and evidence in addition to the material or information produced in response to these Requests, regardless of whether any such material or information is newly discovered or is presently in existence but not as yet located and produced despite diligent and good faith efforts.

GENERAL OBJECTIONS

The General Objections contained in *Wild Brain Entertainment, Inc. 's Responses to Opposer Beau L. Tardy's First Set of Requests for Admission* are hereby incorporated by reference, as if repeated in full herein.

RESPONSES AND SPECIFIC OBJECTIONS

REQUEST NO. 1:

If your response to Request for Admission No. 1 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 1:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 2:

If your response to Request for Admission No. 2 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 2:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 3:

If your response to Request for Admission No. 3 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 3:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 4:

If your response to Request for Admission No. 4 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 4:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the

claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 5:

If your response to Request for Admission No. 5 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 5:

See response to Request for Admission No. 5.

REQUEST NO. 6:

If your response to Request for Admission No. 6 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 6:

See response to Request for Admission No. 6.

REQUEST NO. 7:

If your response to Request for Admission No. 7 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 7:

Not applicable.

REQUEST NO. 8:

If your response to Request for Admission No. 8 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 8:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 9:

If your response to Request for Admission No. 9 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 9:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 10:

If your response to Request for Admission No. 10 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 10:

Applicant objects to this Request as unduly burdensome in that it seeks documents that are on the public record, and therefore already within the possession of or available to Opposer. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 11:

If your response to Request for Admission No. 11 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 11:

Not applicable.

REQUEST NO. 12:

If your response to Request for Admission No. 12 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 12:

Not applicable.

REQUEST NO. 13:

If your response to Request for Admission No. 13 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 13:

Not applicable.

REQUEST NO. 14:

If your response to Request for Admission No. 14 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 14:

Not applicable.

REQUEST NO. 15:

If your response to Request for Admission No. 15 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 15:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 16:

If your response to Request for Admission No. 16 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 16:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 17:

If your response to Request for Admission No. 17 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 17:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 18:

If your response to Request for Admission No. 18 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 18:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 19:

If your response to Request for Admission No. 19 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 19:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 20:

If your response to Request for Admission No. 20 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 20:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 21:

If your response to Request for Admission No. 21 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 21:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 22:

If your response to Request for Admission No. 22 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 22:

Applicant objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably

calculated to lead to the discovery of admissible evidence. For this reason, the Request is unduly burdensome.

REQUEST NO. 23:

If your response to Request for Admission No. 23 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 23:

Applicant objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 24:

If your response to Request for Admission No. 24 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 24:

Applicant objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous. Applicant further objects to this Request as seeking documents which are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 25:

If your response to Request for Admission No. 25 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 25:

Applicant objects to this Request on the ground that the phrase “firm plans” is vague and ambiguous.

REQUEST NO. 26:

If your response to Request for Admission No. 26 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

RESPONSE TO REQUEST NO. 26:

Not applicable.

Dated: January 9, 2014

KENYON & KENYON LLP

*Attorneys for Applicant
Wild Brain Entertainment, Inc.*



Jonathan D. Reichman
William Merone
Natasha Sardesai-Grant
One Broadway
New York, New York 10004
Tel: 212-425-7200
Fax: 212-425-5288
jreichman@kenyon.com
wmerone@kenyon.com
nsardesai@kenyon.com
tmdocketny@kenyon.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Applicant Wild Brain Entertainment, Inc.'s Responses to Opposer Beau L. Tardy's First Set of Requests for Production of Documents and Things* were served by electronic mail, as agreed upon by the parties, on Opposer's counsel of record on the 9th day of January, 2014, at the following address of record:

Wendy Peterson
Not Just Patents LLC
P.O. Box 18716
Minneapolis, Minnesota 55418
wsp@njpls.com



Natasha Sardesai-Grant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BEAU L. TARDY,

Opposer,

v.

WILD BRAIN ENTERTAINMENT, INC.,

Applicant.

Opposition No.: 91/205,896

Mark: DIZZY

**WILD BRAIN ENTERTAINMENT, INC.’S SUPPLEMENTAL RESPONSES TO
BEAU L. TARDY’S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Wild Brain Entertainment, Inc. (“Applicant”), by its undersigned counsel, hereby objects and responds to Opposer Beau L. Tardy’s (“Opposer”) Requests for Production of Documents and Things (the “Requests,” also referred to individually as “Request”), pursuant to Rule 34 of the Federal Rules of Civil Procedure and Section 2.120 of the Trademark Rules of Practice of the United States Patent and Trademark Office.

Applicant’s responses are based upon the best information presently available to Applicant and within Applicant’s possession, custody, or control. Where Applicant does not have information, response to any Request shall not be deemed to constitute an admission of any kind, that any responsive information does not exist, and/or that any statement or characterization in such response is complete. These responses are given without prejudice to further revision or supplementation of these responses by Applicant if further discovery or investigation so requires. These objections and responses are also provided without prejudice to any right of Applicant to offer evidence on its behalf or to object to the relevance, competence, or admissibility on any ground of any evidence or witness offered by Opposer. Accordingly,

Applicant reserves the right to rely, at the time of taking testimony or in other proceedings in this opposition, upon documents and evidence in addition to the material or information produced in response to these Requests, regardless of whether any such material or information is newly discovered or is presently in existence but not as yet located and produced despite diligent and good faith efforts.

GENERAL OBJECTIONS

The General Objections contained in *Wild Brain Entertainment, Inc.'s Responses to Opposer Beau L. Tardy's First Set of Requests for Admission* are hereby incorporated by reference, as if repeated in full herein.

RESPONSES AND SPECIFIC OBJECTIONS

REQUEST NO. 8:

If your response to Request for Admission No. 8 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:

Not applicable.

REQUEST NO. 9:

If your response to Request for Admission No. 9 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:

Not applicable.

REQUEST NO. 10:

If your response to Request for Admission No. 10 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 10:

Not applicable.

REQUEST NO. 23:

If your response to Request for Admission No. 23 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 23:

Applicant further objects to this Request as vague as well as on the grounds that it seeks documents that are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant will make available for inspection and copying non-privileged documents (if any) responsive to a reasonable interpretation of this request.

REQUEST NO. 24:

If your response to Request for Admission No. 24 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 24:

Applicant further objects to this Request as vague as well as on the grounds that it seeks documents that are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant will make available for inspection and copying non-privileged documents (if any) responsive to a reasonable interpretation of this request.

REQUEST NO. 25:

If your response to Request for Admission No. 25 served concurrently is anything other than an unqualified admission, produce all documents supporting your response.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 25:

Applicant further objects to this Request as vague and on the grounds that it seeks documents that are neither relevant to the claim or defense of any party or the subject matter involved in this opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing general and specific objections, Applicant will make available for inspection and copying non-privileged documents (if any) responsive to a reasonable interpretation of this request.

Dated: February 12, 2014

KENYON & KENYON LLP

*Attorneys for Applicant
Wild Brain Entertainment, Inc.*



Jonathan D. Reichman
William Merone
Natasha Sardesai-Grant
One Broadway
New York, New York 10004
Tel: 212-425-7200
Fax: 212-425-5288
jreichman@kenyon.com
wmerone@kenyon.com
nsardesai@kenyon.com
tmdocketny@kenyon.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Wild Brain Entertainment, Inc.'s Supplemental Responses to Opposer Beau L. Tardy's Requests for Production of Documents and Things* was served by electronic mail, as agreed upon by the parties, on Opposer's counsel of record on the 12th day of February, 2014, at the following address of record:


Wendy Peterson
Not Just Patents LLC
P.O. Box 18716
Minneapolis, Minnesota 55418
wsp@njpls.com



Natasha Sardesai-Grant

EXHIBIT C

The recently released version of TSDR has been rolled back to the earlier version in order to repair minor defects. The new version will be re-released in the near future.

STATUS		DOCUMENTS		Back to Search	 Print
Generated on:	This page was generated by TSDR on 2015-11-06 17:57:55 EST				
Mark:	<div>DIZZY</div>				
US Serial Number:	85741800	Application Filing Date:	Sep. 28, 2011		
Filed as TEAS Plus:	Yes	Currently TEAS Plus:	Yes		
Register:	Principal				
Mark Type:	Trademark				
Status:	Suspension check completed. Application remains suspended.				
Status Date:	Aug. 06, 2015				
▼ Mark Information ▲ Collapse All					
Mark Literal Elements:	DIZZY				
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.				
Mark Drawing Type:	4 - STANDARD CHARACTER MARK				
▼ Goods and Services					
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. 					
For:	Digital materials, namely, CDs featuring television programs, cartoons, music in the field of entertainment; recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video files featuring television programs, cartoons, music in the field of entertainment; Downloadable video audio visual recordings featuring television programs, cartoons, music in the field of entertainment; Pre-recorded digital video disks featuring television programs, cartoons, music in the field of entertainment; cassettes featuring television programs, cartoons, music in the field of entertainment				
International Class(es):	009 - Primary Class	U.S Class(es):	021, 023, 026		
Class Status:	ACTIVE				
Basis:	1(a)				
First Use:	Dec. 31, 1996	Use in Commerce:	Dec. 31, 1996		

Used Anywhere in Another Form:	The mark was first used anywhere in a different form other than that sought to be registered at least as early as 12/31/1996.	Used in Commerce in Another Form:	The mark was first used in commerce in a different form other than that sought to be registered at least as early as 12/31/1996.
▼ Basis Information (Case Level)			
Filed Use:	Yes	Currently Use:	Yes
Filed ITU:	No	Currently ITU:	No
Filed 44D:	No	Currently 44D:	No
Filed 44E:	No	Currently 44E:	No
Filed 66A:	No	Currently 66A:	No
Filed No Basis:	No	Currently No Basis:	No
▼ Current Owner(s) Information			
Owner Name:	Tardy, Beau		
DBA, AKA, Formerly:	FORMERLY Dizzy Productions, Dizzy Worldwide Corp., Dizzy TV, Aquarium Creative Agency		
Owner Address:	1659 Hill Top Lane Kingwood, TEXAS 77339 UNITED STATES		
Legal Entity Type:	INDIVIDUAL	Citizenship:	UNITED STATES
▼ Attorney/Correspondence Information			
Attorney of Record			
Attorney Name:	Wendy Peterson		
Attorney Primary Email Address:	wsp@NJPLS.com	Attorney Email Authorized:	Yes
Correspondent			
Correspondent Name/Address:	WENDY PETERSON NOT JUST PATENTS PO BOX 18716 MINNEAPOLIS, MINNESOTA 55418-0716 UNITED STATES		
Phone:	(651) 500-7590		
Correspondent e-mail:	wsp@NJPLS.com	Correspondent e-mail Authorized:	Yes
Domestic Representative - Not Found			
▼ Prosecution History			
Date	Description	Proceeding Number	

11/6/2015

Trademark Status & Document Retrieval

Aug. 06, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 06, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 06, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 06, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 05, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 05, 2014	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 04, 2014	ASSIGNED TO LIE	74221
Feb. 03, 2014	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 01, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Feb. 01, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 01, 2013	LETTER OF SUSPENSION E-MAILED	6332
Feb. 01, 2013	SUSPENSION LETTER WRITTEN	83189
Feb. 01, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 01, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 01, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 01, 2013	EXAMINERS AMENDMENT -WRITTEN	83189
Jan. 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 28, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 28, 2013	NON-FINAL ACTION WRITTEN	83189
Jan. 28, 2013	ASSIGNED TO EXAMINER	83189
Oct. 04, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 02, 2012	NEW APPLICATION ENTERED IN TRAM	

▼ TM Staff and Location Information

TM Staff Information

TM Attorney: FLOWERS, JAY K

Law Office Assigned: LAW OFFICE

File Location

Current Location: TMO LAW OFFICE 112 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Feb. 01, 2015

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

To: Tardy, Beau (wsp@NJPLS.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85741800 - DIZZY - N/A
Sent: 2/1/2013 3:10:38 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85741800

MARK: DIZZY

85741800

CORRESPONDENT ADDRESS:

WENDY PETERSON

NOT JUST PATENTS

PO BOX 18716

MINNEAPOLIS, MN 55418-0716

GENERAL TRADEMARK IN
<http://www.uspto.gov/trademark>

APPLICANT: Tardy, Beau

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

wsp@NJPLS.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 2/1/2013

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

PRIOR-FILED PENDING APPLICATION(S) FOUND: The trademark examining attorney has searched the USPTO’s database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark(s) in a prior-filed pending application(s) may present a bar to registration of applicant’s mark.

The effective filing date of the pending application(s) identified below precedes the filing date of applicant’s application. If the mark in the referenced application(s) registers, applicant’s mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 85509929

/Jay K Flowers/

United States Patent and Trademark Office

Trademark Examining Attorney

Law Office 112

571.272.8202

jay.flowers@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: Tardy, Beau (wsp@NJPLS.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85741800 - DIZZY - N/A
Sent: 2/1/2013 3:10:39 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **2/1/2013** FOR U.S. APPLICATION SERIAL NO. 85741800

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

To: Tardy, Beau (wsp@NJPLS.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85741800 - DIZZY - N/A
Sent: 1/28/2013 12:36:35 PM
Sent As: ECOM112@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85741800

MARK: DIZZY

85741800

CORRESPONDENT ADDRESS:

WENDY PETERSON

NOT JUST PATENTS

PO BOX 18716

MINNEAPOLIS, MN 55418-0716

CLICK HERE TO RESPOND TO

<http://www.uspto.gov/trademarks/teas/r>

APPLICANT: Tardy, Beau

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

wsp@NJPLS.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 1/28/2013

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Prior Pending Application

The effective filing date of pending U.S. Application Serial No. 85509929 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Identification of Goods

The identification of goods is unacceptable as indefinite. The applicant must clarify the identification of goods by specifying what is meant by "Downloadable videos" because this wording is overly broad and requires greater specificity. *See* TMEP §1402.01.

Applicant may adopt the following identification(s), if accurate:

International Class 09: Digital materials, namely, CDs featuring television programs, cartoons, music in the field of entertainment; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring animation; Digital media, namely, DVDs, downloadable audio and video recordings, downloadable files featuring television programs, cartoons, music in the field of entertainment; Downloadable **video recordings** and downloadable audio visual recordings featuring television programs,

cartoons, music in the field of entertainment via the internet and wireless devices; Prerecorded digital video disks featuring television programs, cartoons, music in the field of entertainment; Prerecorded video cassettes featuring television programs, cartoons, music in the field of entertainment

For assistance with identifying and classifying goods in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Jay K. Flowers/

United States Patent and Trademark Office

Trademark Examining Attorney

Law Office 112

571.272.8202

jay.flowers@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned

trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

85509929

Status

OPPOSITION PENDING

Word Mark

DIZZY

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Wild Brain Entertainment, Inc. CORPORATION DELAWARE 15000 Ventura Blvd, 3rd Fl Sherman Oaks CALIFORNIA 91403

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Electrical and scientific apparatus, namely, electronic game software; computer game software; downloadable computer games; computer and video-game cassettes, cartridges, discs and programs; downloadable game software; motion picture films featuring music, animated cartoons, live-action performances and live action performances by costumed characters all in the field of children's education; pre-recorded video and audio cassettes, video and audio tapes, video and audio discs, CD ROMs, compact discs, digital versatile discs, musical video recordings, musical sound recordings and phonograph records featuring music, animated cartoons, live-action performances and live action performances by costumed characters all in the field of children's education; software and manuals sold as a unit in the field of children's education, namely, for use in creating, updating and maintaining calendars, for information management and for use as computer screen savers; decorative refrigerator magnets; hand held units for playing electronic games for use with external display screen or monitor.

Filing Date

2012/01/05

Examining Attorney

Print: Jan 28, 2013

85509929

CHUO, EMILY

Attorney of Record

Katherine L. McDaniel

DIZZY

To: Tardy, Beau (wsp@NJPLS.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85741800 - DIZZY - N/A
Sent: 1/28/2013 12:36:36 PM
Sent As: ECOM112@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **1/28/2013** FOR U.S. APPLICATION SERIAL NO. 85741800

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **1/28/2013** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

Jazzy Burn's

http://jazzyburns.bandcamp.com/

Google

Jazzy Burn's

+

Oopazz[®]

Space Jazz[©]

by Jazzy Burn's



Get With It "Live" 00:00 / 06:31

Digital Album

Immediate download of 7-track album in your choice of MP3 320, FLAC, or just about any other format you could possibly desire.

Buy Now \$1.99 USD or more

Share / Embed ▾

▶

1. Get With It "Live" 06:31

▶

2. Work 03:48

▶

3. New York City "live" 16:39

▶

4. TV'5 Red Piano Mix 04:33

▶

5. Radio Tuvalu 10:47

▶

6. Chasin' The Bump 02:47


▶

7. Zahedan 11:22


As heard on Dizzy TV! This CD features some of the great Space Jazz[©] tracks by Jazzy Burn's played live on Dizzy TV.


released 23 May 2012


tags: [electronic](#) [electro](#) [jazztronica](#) [spacejazz](#) [triphop](#) [New York](#)


 all rights reserved

 feeds for this album, this artist



 Tweet

 2



Jazzy Burn's is a mix of jazz, electro and funky beats. Jack Dangers of Meat Beat Manifesto selected a Jazzy Burn's track in ... more

[SoundCloud](#)
[Facebook](#)
[YouTube](#)


discography



Space Jazz[©]
May 2012



Colorbars
Sep 2011





[Open a FREE Account](#) | [Log in](#) | [Help](#)

[Overview](#) [Whois Lookup](#) [Reverse Whois](#) [Whois History](#) [Hosting History](#) [Screenshot History](#) [Name Server Report](#) [Reverse IP](#) [DNS Tools](#)

Ads by Google

[Free Pet Exam Coupon](#) Get Your Coupon For A Free Exam And Consultation On Pet's First Visit! [Banfield.com](#)

[Show Up on Google](#) Reach more customers with an ad on Google. Start with a free trial. [www.Google.com/AdWords](#)

[CLEAR® - \\$35 Internet](#) Wireless 4G Internet Service - \$35 4G Mobile & Home Internet Service. [www.clear.com](#)

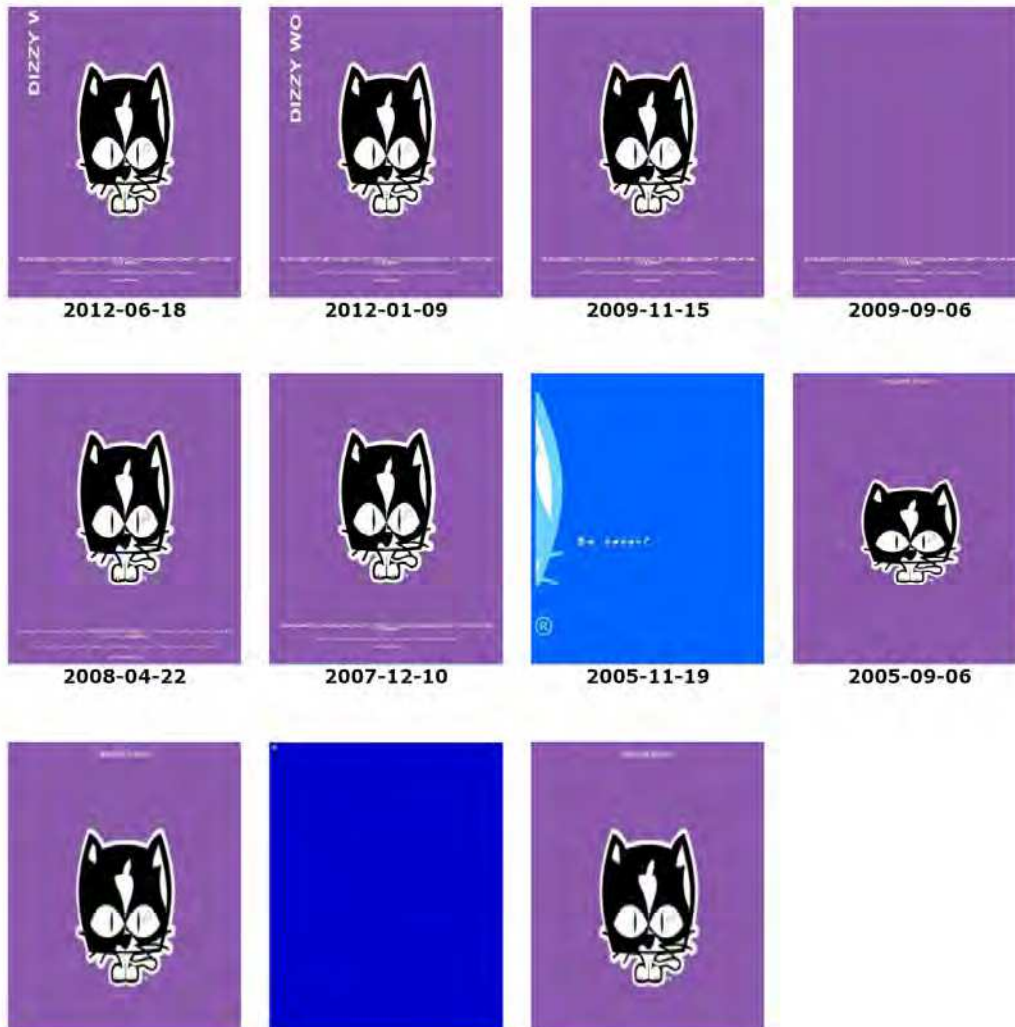
Screenshot History

[Tweet](#) [Like](#)

Screenshot Navigation

Domain: [Return to Whois Record](#)

Viewing Pages: 2 of 2




2005-02-09

2004-11-24


2004-07-01

Viewing Pages: 2 of 2

Site Profile

Website Title:  **** Dizzy Worldwide Productions****

Title Relevancy **33%**

AboutUs:  [Wiki article on Dizzythecat.com](#)

SEO Score: **72%**

Terms: **42** (Unique: 35, Linked: 2)

Images: **0** (Alt tags missing: 0)

Links: **1** (Internal: 1, Outbound: 0)


Similar Domains: [dizzyts.com](#), [dizzyworld.com](#), [dizzy sandals.com](#), [dizzystreet.com](#), [dizzytown.com](#), [dizzystuff.com](#), [dizzler.com](#), [dizzy sheep.com](#), [dizzy poker.com](#), [dizzywood.com](#), [dizzywold.com](#), [dizzyview.com](#), [dizypoint.com](#), [dizypom.com](#)

Wikipedia: [0 pages](#)

Server Type: Apache

IP Address: [184.173.233.189](#) [Reverse-IP](#) | [Ping](#) | [DNS Lookup](#) | [Traceroute](#)

ASN: **AS36351**

IP Location:  - Texas - Dallas - Theplanet.com Internet Services Inc.

Response Code: 200

Domain Status: **Registered And Active Website**

Wikipedia: [0 pages](#)

ICANN Registrar: **ENOM, INC.**

Created: 1998-01-06

Expires: **2013-01-05** [Backorder Now](#)


Updated: 2011-07-30

Registrar Status: [clientTransferProhibited](#)

Name Server: NS3027.HOSTGATOR.COM (has [2,128,015 domains](#))

NS3028.HOSTGATOR.COM (has [2,128,015 domains](#))

Whois Server: [whois.enom.com](#)

General TLDs: [DizzyTheCat.com](#)  (registered and active website)

[DizzyTheCat.net](#) ☐ (never registered before)

[DizzyTheCat.org](#) ☐ (never registered before)

[DizzyTheCat.info](#) ☐ (never registered before)

[DizzyTheCat.biz](#) ☐ (never registered before)

[DizzyTheCat.us](#) ☐ (never registered before)

[Memberships](#) | [Developer API](#) | [About Us](#) | [Blog](#) | [Desktop Tools](#) | [Terms of Service](#) | [Privacy](#) | [Support](#) | [Careers](#) | [Contact Us](#) | [Site Map](#)

© 2012 DomainTools, LLC All rights reserved.





[Open a FREE Account](#) | [Log in](#) | [Help](#)

[Overview](#) [Whois Lookup](#) [Reverse Whois](#) [Whois History](#) [Hosting History](#) [Screenshot History](#) [Name Server Report](#) [Reverse IP](#) [DNS Tools](#)

Ads by Google

[How to Make a Free Site](#) Create Your Own Website. It's Easy, Fast & 100% Free. Set It Up Now! [Webs.com/Free-Website](#)

[Free Pet Exam Coupon](#) Get Your Coupon For A Free Exam And Consultation On Pet's First Visit! [Banfield.com](#)

[TV Parts At Part Store](#) Replacement TV Parts At PartStore™. Free Shipping On Orders \$75 & Up! [www.partstore.com](#)

[Tweet](#) [Like](#) [0](#)

Screenshot History

Domain: dizzytv.com

Search

Image Size +

[Return to Whois Record](#)

Viewing Pages: 2 of 2



2008-06-16

2008-04-21

2008-01-24

2007-11-22



2006-11-04

Viewing Pages: 2 of 2

Site Profile

Website Title: [Dizzy TV on USTREAM: Dizzy™ TV Is "live" Electronic Space Jazz™, Fast-Forward Free Style Future American Mythology for the Electronic Age™, Dimensional TV...](#)

Title Relevancy: **95%**

Meta Description: Dizzy TV @ USTREAM: Dizzy™ TV Is "live" Electronic Space Jazz™, Fast-Forward Free Style Future American Mythology for the Electronic Age™, Dimensional TV...

Description Relevancy: **100%** relevant.

AboutUs: [Wiki article on Dizzytv.com](#)

SEO Score: **96%**

Terms: **591** (Unique: 314, Linked: 150)

Images: **9** (Alt tags missing: 2)

Links: **78** (Internal: 71, Outbound: 5)

iFrames: **5** (Parts of page not indexable by most search engines.)

Similar Domains: [dizzyts.com](#), [dizzyworld.com](#), [dizzysandals.com](#), [dizzystreet.com](#), [dizzytown.com](#), [dizzystuff.com](#), [dizzler.com](#), [dizzysheep.com](#), [dizzypoker.com](#), [dizzywood.com](#), [dizzywold.com](#), [dizzyview.com](#), [dizzypoint.com](#), [dizzyporn.com](#)

Wikipedia: [0 pages](#)

IP Address: [64.202.199.170](#) [Reverse-IP](#) | [Ping](#) | [DNS Lookup](#) | [Traceroute](#)

ASN: **AS26496**

IP Location: - New York - New York City - Godaddy.com Llc

Response Code: 200

Domain Status: **Registered And Active Website**

Wikipedia: [0 pages](#)

ICANN Registrar: **GODADDY.COM, LLC**

Created: 2006-06-07

Expires: **2013-06-07** [Backorder Now](#)

Updated: 2012-08-28

Registrar Status: [clientDeleteProhibited](#)
[clientRenewProhibited](#)
[clientTransferProhibited](#)
[clientUpdateProhibited](#)

Name Server: NS19.DOMAINCONTROL.COM (has [34,044,331 domains](#))
NS20.DOMAINCONTROL.COM (has [34,044,331 domains](#))

Whois Server: [whois.godaddy.com](#)

General TLDs: [DizzyTv.com](#) (registered and active website)
[DizzyTv.net](#) (never registered before)
[DizzyTv.org](#) (never registered before)
[DizzyTv.info](#) (never registered before)
[DizzyTv.biz](#) (never registered before)

vimeo

Join

Log in

Explore

Help

Search

S



Dizzy TV

Joined 1 year ago / World

Dizzy TV has not yet updated their profile

3 Follow

Send Message

Featured Videos



Hello Dizzy TV!

1 year ago



Dizzy TV ID

1 year ago

BROWSE & CONNECT

5 Videos



Recently Uploaded



NEED HELP?

If you have questions about what's on this page, look here first: [Help](#) / [FAQ](#) / [Profile](#)



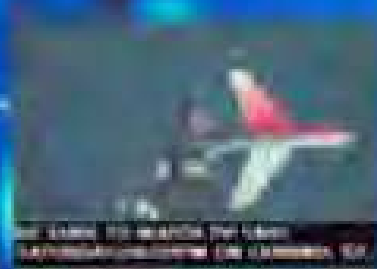


DIZZY-TV™

THE AIRLINE OF THE MIND™

ORIGINAL CATALOG

NOW AVAILABLE



THE SAME TO WATCH THE SAME
SATURDAYMORNING ON CABLE, TV.



VHS TAPES

DIZZY-TV EPISODE #1 featuring DJ SPIN ONE (hip hop/r'n'b) 30mins

DIZZY-TV EPISODE #2 featuring CRASH DUMMIES (quad turntablists/hip hop/skratch) 30mins

DIZZY-TV EPISODE #3 featuring CHRIS LEWIS (100% pure house) 30mins

DIZZY-TV EPISODE #4 NEW YORK UNDERGROUND COMPILATION featuring SOUNDLAB - BASSLINE MASSIVE - THE ARSONISTS (hip hop/experimental) 30mins



AUDIO CASSETTES

(all cassettes are 50mins long)

DIZZY UNDERGROUND MIX #1 featuring CRASH DUMMIES w/DJ SPIN ONE (quad turntablists/hip hop/skratch)

DIZZY UNDERGROUND MIX #2 featuring DJ SPIN ONE (hip hop/r'n'b)

DIZZY UNDERGROUND MIX #3 featuring CHRIS LEWIS (100% pure house)

VHS TAPES ARE \$10.00 FOR TAPE /
CASSETTES ARE \$10.00 /
ADD \$1.00 FOR SHIPPING AND HANDLING
SEND CHECKS OR MONEY ORDERS TO:

DIZZY WORLDWIDE
PO BOX #740
KNICKERBOCKER STATION
128 EAST BROADWAY
NEW YORK, NY 10002

For additional info call 212-242-1159 or email retfawd@usa.net
HAPPY HOLIDAYS!!!



Small text block describing the merchandise and its availability.



Happy Holidays!!!



DIZZY® THE CAT WITH THE TV HEAD

dizzy
worldwide ®

244 fifth ave.
#G-245

new york
ny 10002

usa+
(212) 254-1345

dizzy
@dizzythecat.com

DATE
2001

COMPANY
DIZZY WORLDWIDE ®

TITLE
COMMERCIALS

The phrase "the cat with the TV head" when used
in conjunction with the name "Dizzy" is a registered
trademark of Dizzy Worldwide ®

FORMAT
LENGTH
betaSP NTSC
6:00 mins



ガッパ

DIZZY WORLDWIDE ®. DO NOT
DUPLICATE WITHOUT WRITTEN
PERMISSION FROM DIZZY WORLDWIDE.
ALL RIGHTS RESERVED.
DIZZY © 2001

DESCRIPTION

CATALOG #

9999097543





DIZZY THE CAT

#1



MR. BIRD ©



BONGA ©



DIZZY ©

PLUS LOTS
MORE!



DIZZY WORLDWIDE © 2008





PayPal
for Business

VISA Accept credit cards
in just minutes!

Atlantic Coast, Inc. Corp. 8/11/97
1-800-441-1111 Fax: 800-441-1111
2001 St. James Ave. Princeton, NJ 08540 USA

